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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

HARMEET K. DHILLON,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

Case No. 13-cv-01465 SI

**DECLARATION OF COLIN HUSSEY  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO MOTION BY  
DEFENDANT DOE 1 FOR  
JUDGMENT ON THE PLEADINGS  
PURSUANT TO FRCP 12(C) OR FOR  
SUMMARY JUDGMENT**

**Date: February 28, 2014  
Time: 9:00 a.m.  
Courtroom 10, 19<sup>th</sup> Floor  
Hon. Susan Illston**

I, Colin Hussey, declare:

1. I am a photographer who does business in San Francisco, California. I have personal knowledge of the matters set forth herein and if called as a witness could and would

1 competently testify thereto. As to those matters stated on information and belief, I believe them  
2 to be true.

3 2. In or around March 2008, Harmeet K. Dhillon commissioned me to take  
4 photographs of her in connection with her candidacy for Member of the State Assembly, District  
5 13. It was my understanding that the photographs I took would be used by Ms. Dhillon in  
6 connection with her political activities and professional marketing efforts.

7 3. In connection with this assignment, I created photographs of Ms. Dhillon,  
8 including the headshot photograph ("Headshot Photograph") that I am informed and believe was  
9 published on the website [www.mungergames.net](http://www.mungergames.net) in February 2013. I transferred all rights, title  
10 and interest in and to the photographs to Ms. Dhillon.

11 4. The purpose of this declaration is to describe the creative process I used in  
12 creating the Headshot Photograph for Ms. Dhillon in 2008. All of the following decisions were  
13 made by me for the purpose of creating a photograph of Ms. Dhillon that was aesthetically  
14 pleasing, would allow her intended audience to easily identify her, and would convey a message  
15 of professionalism, intelligence and compassion.

16 5. I chose Union Square, San Francisco as the venue for the Headshot Photograph  
17 because it was the most presentable outdoor location in the neighborhood of Ms. Dhillon's  
18 office.

19 6. I specifically chose to frame Ms. Dhillon against the speckled grey steps of Union  
20 Square in order to set off her features and highlight her face.

21 7. I instructed Ms. Dhillon to pose so that her face was at an angle, rather than  
22 directly facing the camera, because like most subjects, one side of her face looks better than the  
23 other. I also chose this pose to ensure that Ms. Dhillon was not squinting into the sun.

24 8. I arranged Ms. Dhillon so that she was directly facing the sun. This allowed the  
25 light to reflect directly off of her face and prevent shadows from obscuring her features.  
26  
27  
28

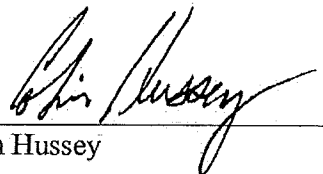
1           9.     I framed the shot in such a way so that I could crop it in a couple of ways, and  
2 also extract the subject for compositing variations in the background.

3           10.    I instructed Ms. Dhillon to smile in order to convey a message of approachability  
4 and trustworthiness to her intended audiences.

5           11.    After taking the photographs, I spent approximately 1.5 hours editing and  
6 retouching the Headshot Photograph in order to achieve the desired result. Specifically, in  
7 addition to some retouching on the face, I extracted or separated the subject from the  
8 background, so as to be able to change backgrounds as needed.

9           I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct and that this declaration was executed at the date set forth below in  
11 San Francisco, California.

12  
13 Date: January 24, 2014

14  
15   
16 Colin Hussey